IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.178 OF 2005

Ramchandra Dadasaeb Shinde Petitioner

Ms.Shrikala Nair for petitioner.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd March 2006

PC :

1. Heard Ms.Nair appearing for the petitioner.

2. Now she requests that notice of this petition be dispensed with as a clear statement is made on oath that there are no other heirs and legal representatives of the deceased parents of the minor. It is categorically stated that except the petitioner there is no other near or distinct relative of the minor as well.

3. The petitioner and his brother (father of minor) are working as Police Constables. The mother of minors was also working as Police Constable. The father and mother have expired.

The petitioner is the uncle of the minors and the minors are in his care and custody after death of the deceased parents.

4. It is brought to my notice that the deceased have died intestate. Presently, the minors are taking education in the schools. They are being looked after and maintained by the petitioner. In these circumstances, notice is dispensed with.

5. After a perusal of the petition I am satisfied that the interest and welfare of the minor is safe in the hands of the petitioner who is also a Police Constable and presently working. He has his place of residence. The minors are residing with him. He has undertaken through his advocate that the monies which have been left by the deceased parents of the minors, would be deposited by him with the Accounts Officer within a period of six weeks from the date the same are received by him. He further undertakes that the monies would be spent for welfare, education and maintenance of the minors. The other averments of the petition also disclose that no prejudice would be caused if this petition is made absolute. Accordingly, following order.

6. ORDER :- A) The petition is made absolute in terms of prayer clauses (A) and (B);

B) The amounts which have been set out at paragraph 8 of the petition upon being paid over to the applicant/petitioner, be deposited with the Accounts Officer of this Court. Accounts Officer is directed to invest the same in the proper deposits and from the interest accruing thereon, the expenses of the minors will be met by the petitioner. Details pertaining to the deposits made by the deceased parents of the minors, be forwarded by the petitioner or his advocate within a period of two weeks from today.

C) It is only when such details are forwarded, that the petitioner would be entitled to encash the deposits and receive the amounts mentioned in paragraph 8 of this petition.

D) Petition is made absolute in terms aforesaid and on the undertaking of the petitioner. Liberty to apply.

(S.C.DHARMADHIKARI, J.)